

*Approved by the decision of the meeting of
Commission of the Republic of Kazakhstan
and the Kyrgyz Republic on the Use of
Water Management Facilities of
Intergovernmental Status on the Rivers
Chu and Talas as of December 22, 2006,
minutes # 2*

STATUTE
On the Secretariat for the Commission
of the Republic of Kazakhstan and the Kyrgyz Republic
on the Use of Water Management Facilities
of Intergovernmental Status on the Rivers Chu and Talas

1. General provisions

- 1) The current Statute stipulates the main tasks and functions, as well as rights and responsibilities of the Secretariat.
- 2) The Secretariat for the Commission of the Republic of Kazakhstan and the Kyrgyz Republic on the Use of Water Management Facilities of Intergovernmental Status on the Rivers Chu and Talas has been established in accordance with the Statute for the Commission of the Republic of Kazakhstan and the Kyrgyz Republic on the Use of Water Management Facilities of Intergovernmental Status on the Rivers Chu and Talas (hereinafter - Statute on the Commission), approved on July 26, 2006, based on the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on the Use of Water Management Facilities of Intergovernmental Status on the Rivers Chu and Talas signed in Astana on January 21, 2000 (hereinafter – Agreement).
- 3) The main objective for the establishing of the Secretariat is to enable activity of the Commission and to implement its decisions regarding matters of bilateral cooperation on Chu and Talas rivers.

2. The main tasks of the Secretariat

The Secretariat should implement the following tasks within the authority empowered to it by the Commission:

- 1) Implementation of organization and technical measures enabling the work of the Commission and the implementation of its decisions.
- 2) Organization of drafting proposals on the interaction of the Commission with the Government of the Republic of Kazakhstan, Government of the Kyrgyz Republic, relevant national ministries and agencies, water management institutions, local self-governance bodies and local administrations, other stakeholders, economic entities, community, citizens and participation in their implementation.
- 3) Drafting proposals on improvement of water legislation of both countries, establishing single legislative and normative base regarding organization of technical maintenance of water structures of interstate importance, procedure and mechanisms of water resources use and distribution, funding of rehabilitation and operation works, as well as other works, and development of the system of normative indicators.

- 4) Participation in forecasting and planning of measures on rational use and protection of water resources and fulfillment of the plans.
- 5) Participation in preparation of proposals on the development of target basin programs, design documentation, normative-methodological and scientific and research developments.
- 6) Information provision on matters of activity of the Commission and the Secretariat.
- 7) Participation in the development of measures enabling safe operation of water structures of interstate importance by means of timely allocation and target use of funds and material and technical resources and monitoring of implementation of these measures.
- 8) Organization of control over observance of water use limits, established operational regimes of water structures and reservoirs, approved water discharge in transboundary sections,
- 9) Provision of funding for the development and implementation of programs, projects and works within its competence.
Coordination of works within the frame of projects, programs funded by donor support, normative-methodological, scientific and research, as well as other developments with the purpose to eliminate subjective contradictions and duplication.
- 10) Organization and coordination of working groups' and experts' activities.
- 11) Preparation of proposals for the Commission to involve the representative of all stakeholders into the processes of management decision-making.
- 12) Development and organization of the implementation of annual and perspective plans on the activity of the Commission, as well as proposals to intensify and extend its cooperation with the international and donor organizations.
- 13) Preparation of proposals to improve procedures and mechanisms of funding for the activity of the Secretariat.
- 14) Preparation of proposals and organization of conducting sessions, conferences, meetings and consultations of co-chairmen.
- 15) Record keeping and enabling safety of the Commission documentation.
- 16) Organization and implementation of scientific-information and editorial publishing activity.
- 17) Drafting proposals on introduction of amendments and addenda to the Agreement and Statute on the Commission.
- 18) Other tasks that could be determined by the Commission.

3. Organization of the Secretariat activity

- 1) The Secretariat should be permanently acting executive body of the Commission.
- 2) The Secretariat should include:
The Secretariat of Kazakhstan party of the Commission, consisting of the Head of the Secretariat, his/her deputy, technical and service staff, assigned co-chairmen of the Commission of the Republic of Kazakhstan;
The Secretariat of Kyrgyzstan party of the Commission consisting of the Head of the Secretariat, his/her deputy, technical and service staff, assigned co-chairmen of the Commission of the Kyrgyz Republic.
- 3) Staff and the number of officials for each national Secretariat should be established based on principle of equal representation.
- 4) The Secretariat should be established on a par by the decision of the Commission and should work under the leadership of two co-heads with equal rights.
- 5) National Secretariats should be legal entities, should have banking accounts in national and foreign currencies.
- 6) The Secretariat should have its own seal with the symbolism containing its name in Kazakh and Russian languages for Kazakhstan party, and Kyrgyz and Russian languages for Kyrgyzstan party, as well as stamps and blanks for record keeping and reporting.

The seal and stamps should be manufactured in two copies and should be stored with each head of the Secretariat.

- 7) Running costs of each Secretariat including office space, communication means, office equipment, necessary equipment and vehicles should be provided by national republican budgets, contributions of the international organizations, donor countries and other receipts.
- 8) Working groups can be established within the Secretariat to prepare materials concerning certain areas and problems.
- 9) The Statute on the Secretariat, amendments and addenda to be introduced into it should be approved by the Commission.

4. Working procedure for the Secretariat

- 1) Joint sitting conducted on regular basis should be the main form of the Secretariat work. Sitting can be conducted upon the request of one of the parties to make effective decisions and consider urgent measures.
- 2) Matters proposed by the Commission, matters included into the working plan of the Secretariat, as well as matters proposed by the initiatives of the national heads of the Secretariat should be considered at the sittings that, as a rule, should be conducted in turn on the territory of the Republic of Kazakhstan and on the territory of the Kyrgyz Republic. National heads of the Secretariat should agree in advance on matters to be considered at the sittings, and on time and location for the sitting.
- 3) The head of that part of the Secretariat should be present at the sitting where the sitting is being conducted. The deputy head of the Secretariat of the country represented by the chairman, if not agreed otherwise, should perform duties of the secretary.
- 4) The Secretariat should make decision based on consensus. Disputes and disagreements in relation to certain matters should be considered during regular (special) session of the Commission.
- 5) Minutes should be compiled upon the results of the sitting with each matter described by separate paragraph. Minutes should be compiled in two copies in Russian. It should contain the course of discussions, decisions made, as well as executors and terms of implementation. The heads of the Secretariat should sign the minutes after approval by the Secretariat members. Each head of the Secretariat should receive one copy of the minutes.
- 6) Russian language should be working language at the sittings.
- 7) All members of the Secretariat, involved experts, as well as the representatives of authority, organization and invited persons should participate in each sitting.
- 8) The heads of the Secretariat should inform each other on the course of implementation of the decisions made. In the case of the situations that may cause worsening of water use conditions they should urgently inform each other as well as co-chairmen of the Commission.
- 9) The Secretariat interacting with public authority and local self-governance bodies of the Republic of Kazakhstan and the Kyrgyz Republic should inform them on the work of the Commission.
- 10) The Secretariat staff and attracted to its work experts should have the right to visit water structures of interstate importance on Chu and Tals rivers without difficulty, as well as organizations responsible for the operation regardless of property form and affiliation.
- 11) Travel and accommodation costs for the members of national Secretariats, working groups' representatives and experts should be incurred by each party independently.
- 12) Costs related to organization and conducting of the sittings of the Secretariat, meetings of working groups' representatives and experts should be incurred by the party, on the territory of which the indicated events take place.
- 13) The Secretariat should develop annual and perspective working plans for the Secretariat and submit them for approval of the Commission.

- 14) The Secretariat should prepare annual report on the results of work and submit it for consideration of the Commission.
- 15) The Secretariat should provide preparation, registration and storage of the documents, letters and correspondence.

5. Rights and responsibilities of the Secretariat

- 1) The Secretariat should conduct its activity in accordance with the current Statute.
- 2) The Secretariat should be guided by the section 7 “Working procedure of the Commission” of the Statute on the Commission in its work on procedural matters upon the preparation and organization of session of the Commission.
- 3) The head of the Secretariat:
 - Should perform administrative functions, determine powers and duties of the staff;
 - Should establish the list of staff members upon approval of national co-chairman, statute on structural sub-divisions and other normative documents stipulating rights and responsibilities of staff members, as well as budget and financial documents;
 - Should issue orders and directions mandatory for all staff members of the Secretariat within its competence, should maintain business correspondence;
 - Should give instructions mandatory for implementation based on the decisions of the Commission;
 - Should hire and fire staff members, make proposals on their competence and qualification;
 - Should organize financial activity within the limit of funding approved for current year, Should sign agreements and should be responsible for obligations taken;
 - Should represent the Secretariat in various organizations and public authority agencies;
 - Should implement management of property and should provide its security;
 - Should organize reception of citizens;
 - Should obtain data necessary to fulfill its tasks (authorities, functions) from the ministries, agencies, statistics bodies, organizations, enterprises and water users according to the procedure provided for by the legislation;
 - Should implement other authorities in accordance with the decisions of the Commission or upon the directions of co-chairman.
- 4) The Secretariat should report to the Commission on its activity.
- 5) The Commission should implement control over the activity of the Secretariat.
 - 6) The heads of the Secretariat should be personally responsible for the implementation of tasks and functions charged to the Secretariat in accordance with the current Statute, as well as for the results of work.
 - 7) The heads of the Secretariat should provide independent audit for financial activity of the Secretariat upon the results of each financial year and should submit the report on its findings to the Commission.
 - 8) The reorganization and liquidation of the Secretariat should be made by the decision of the Commission according to established procedure.

6. Statute coming into effect

- 1) The current Statute should come into effect since the date of its approval by the Commission.
- 2) The Commission should make amendments to the Statute on the Secretariat as appropriate.
- 3) The current Statute on the Secretariat of the Commission of the Republic of Kazakhstan and the Kyrgyz Republic on the Use of Water Management Facilities of Intergovernmental

Status on the Rivers Chu and Talas should be compiled in two original copies each in Kazakh, Kyrgyz and Russian languages, at that all texts should have equal effect.

4) Parties should be guided by the text in Russian language in the case of controversy in the interpretation of the current Statute text.

*The head of Kazakhstan party of the
Secretariat*

Mr. J. Tukebaev

*The head of Kyrgyzstan party of the
Secretariat*

Mr. J. Sharshekeev

Signed on December 22, 2006, in Taraz town (Republic of Kazakhstan)